

The Federal-State Court System

The Inferior Federal Courts

Created by Congress (Judiciary Act of 1789) pursuant to Article III of the Constitution. Judges are appointed for life by the President, with the "advice and consent" of the Senate.

The Supreme Court of the United States

Created by the Constitution, Article III: nine justices, appointed for life by the President, with the "advice and consent" of the Senate. Interprets and applies the Constitution and all federal statutes, after decision by federal courts of appeals and state supreme courts. Hears argument in about 170 cases each year.

The State Courts

Created by state constitutions. By the Ninth and Tenth Amendments, states retain all powers not granted to federal government. Judges are appointed by governor (1/3) or elected by people of state (2/3) for varying terms.

Direct appeal from decisions holding state laws unconstitutional

Direct appeal from decisions holding U.S. laws unconstitutional

Seven thousand requests for certiorari (discretionary review) each year
70 percent from federal courts 30 percent from state courts

Regional U.S. Courts of Appeals

Created by Congress in 1891 (Evarts Act). Twelve regional circuits. Each court decides questions of law after reading briefs and hearing oral argument.

U.S. Court of Appeals for the Federal Circuit

Created by Congress in 1982. National appellate jurisdiction in patents, customs, taxes, other specialized areas.

State Supreme Courts

Fifty states and the District of Columbia. They decide questions of law after reading briefs and hearing oral argument.

Intermediate Courts of Appeals

38 states

State Superior Courts

All cases, criminal and civil; trials with or without jury. One in each county or similar geographic area. Jurisdiction: state constitution; statutes, common law; also federal Constitution (including most of Bill of Rights) and statutes. Limited by the supremacy, commerce, full faith and credit, and equal protection and due process clauses of the Fourteenth Amendment.

Federal Agencies

Securities and Exchange Commission, Tax Court, National Labor Relations Board, Environmental Protection Agency, etc.

U.S. Court of International Trade

U.S. Claims Court

Administrative Agencies

Merit Systems Protection Board, Boards of Contract Appeals, Int'l Trade Commission, Patent/Trademark Boards, certain decisions of the secretaries of Commerce and Agriculture.

Areas of Stress

1. A single federal judge may order a pending state prosecution stopped or order a state official not to act if there is a clear showing that the prosecution or action will cause irreparable harm.

2. A single federal judge may free a state prisoner after the state courts have refused to do so.

3. Federal courts may choose not to decide how the state courts would interpret a state statute and may ask state supreme court to decide such questions.

U.S. District Courts

Ninety-four districts. Each district has from 2 to 28 judges (Southern District of New York). Jurisdiction: claims under federal law; civil claims between citizens of different states, if over a fixed amount. Trials with or without jury.

Bankruptcy Judges

Preside over bankruptcy cases.

U.S. Magistrate Judges

Conduct preliminary hearings, set bail, assist district judges in complex cases, try some cases.

Specialized Courts

Probate (wills), Domestic Relations, Juvenile.

District Courts

Small towns, a justice of the peace; large urban centers, a municipal or district court. Jurisdiction: petty crimes, traffic offenses, small claims. No jury.

State/Local Agencies

Industrial accidents, zoning boards, licensing boards, etc.

Administrative Law Judges

Civil service position. Conduct hearings and submit reports and recommendations to administrative boards or agencies.